

Weinert, Astin, Murray, Watson, Carter, Lattimore.

(Floor Report.)

Austin, Texas, Feb. 25, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred,

House bill No. 207, A bill to be entitled "An Act to increase the authority and duties of the county commissioners' court of Hunt county, Texas, and of the county commissioners of said county; to require said commissioners to devote their entire time to the affairs of said county; to fix salaries for the members of said court and to provide for the submission hereof to a vote of the qualified voters of said county, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

Ward, chairman; Watson, Greer, Warren, Weinert, Astin, Carter, Murray, Lattimore.

PETITIONS AND MEMORIALS.

By Senators Adams and Johnson:

Petitions numerous signed by citizens of their respective districts, asking support of the following Farmers' Union bills:

House bill No. 99, and Senate bill No. 23.

House bill No. 102, and Senate bill No. 46.

House bill No. 124, and Senate bill No. 82.

By Senator Greer:

Petition numerous signed by citizens of his district, asking the Legislature to authorize consolidation between the St. Louis and Southwestern, the Eastern Texas and the Stephenville North and South Texas Railway systems, and that the bill be enacted without amendment.

By Senators Adams and Jackson:

Resolution adopted by the Rising Star District Union, Brown county, asking the Legislature to prohibit, by legislation, the growing of cotton by convicts in competition with farmers.

THIRTY-SECOND DAY.

Senate Chamber.

Austin, Texas,

Monday, February 27, 1911.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Davidson.

Roll call, quorum being present, the following Senators answering to their names.

Yeas—30.

Adams.  
Astin.  
Bryan.  
Carter.  
Cofer.  
Collins.  
Greer.  
Hudspeth.  
Hume.  
Johnson.  
Kauffman.  
Lattimore.  
Mayfield.  
McNealus.  
Meachum.

Murray.  
Paulus.  
Peeler.  
Perkins.  
Ratliff.  
Real.  
Sturgeon.  
Terrell, McLennan.  
Terrell, Wise.  
Townsend.  
Vaughan.  
Ward.  
Warren.  
Watson.  
Willacy.

Absent.

Weinert.

Prayer by Rev. Dr. Bradfield of Austin.

Pending the reading of the Journal of yesterday, on motion of Senator Perkins, the same was dispensed with.

EXCUSED.

On account of important business Senator Peeler, for non-attendance Saturday afternoon, on motion of Senator Ratliff.

Senator McNealus, for non-attendance Saturday, on motion of Senator Mayfield.

REGULAR ORDER.

The Chair called the regular order of business. (See Appendix for committee reports and petitions and memorials.)

Morning call concluded.

BILLS AND RESOLUTIONS.

By unanimous consent after the morning call was concluded.

(Referred by Lieutenant Governor Davidson.)

By Senator Ward:

Senate Bill No. 318, A bill to be entitled "An Act to regulate the purchase and sale of seed cotton and cotton seed with the State of Texas; providing a penalty and an emergency."

Read first time and referred to Committee on Judiciary No. 2.

(Referred by Senator Meachum.)

By Senator Johnson:

Senate Bill No. 319, A bill to be entitled "An Act creating the Tell Independent School District in Childress and Hall counties, Texas, defining its metes and bounds; providing for a board of trustees therefor; vesting it with the rights and duties of districts incorporated for school purposes only under the General Laws, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Ratliff:

Senate Bill No. 320, A bill to be entitled "An Act to provide for the appointment of a board of regents for the State Normal Schools for white teachers in the State of Texas; to define the duties and the powers of such board, and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Collins:

Senate Bill No. 321, A bill to be entitled "An Act to require fire insurance companies doing business in Texas, which issue policies of insurance on any property in Texas, to issue and deliver such policies through their resident local agents, and to pay such local agents the full local agent's commission thereon, and defining such commissions, and providing for the enforcement of this Act, and prescribing penalties for its violation, and repealing all laws in conflict herewith."

Read first time and referred to Committee on Insurance Statistics and History.

By Senator Murray:

Senate Bill No. 322, A bill to be entitled "An Act to authorize Aransas county, in compliance with the provisions of Chapter 134 of the General Laws of the Thirtieth Legislature, approved April 18, 1907, to build a causeway and to erect a drawbridge across the waters of Aransas Bay, be-

tween the southern end of Lamar peninsula, at or near the old town of Lamar, in said county, and the northern end of Live Oak peninsula; also in said county, for the purpose of connecting the public road system of said county between Lamar and Live Oak peninsulas, and to authorize the issuance of county bonds, under the provisions of said Chapter 134 of the General Laws of the Thirtieth Legislature, for the construction of said causeway and bridge, and for the construction and maintenance of a public highway along and upon same between such points."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Paulus:

Senate Bill No. 323, A bill to be entitled "An Act to protect the traveling public along highways crossed by railway trains and making it unlawful for railway companies to operate their trains without first having established signal stations or devices at the places where their roadbed is crossed by public roads; providing a penalty therefor, and declaring an emergency."

Read first time and referred to Committee on Judiciary No. 2.

By Senator Watson:

Senate Bill No. 324, A bill to be entitled "An Act apportioning the State of Texas into Senatorial Districts and declaring what counties shall constitute each senatorial district."

Read first time and referred to Committee on Senatorial Districts.

#### LETTER FROM THE GOVERNOR.

Austin, Texas, Feb. 25, 1911.

Hon. A. B. Davidson, Lieutenant Governor, Capitol.

Dear Sir: I am writing to ask if you will not please request the members of the Senate to have a list of applicants to be appointed notaries public in the several counties of their districts properly prepared and in my hands not later than the middle of next week.

It will take considerable time for this office to prepare them in proper shape for nomination to the Senate, and I will be glad to have the cooperation of the members in the way indicated.

Yours truly,

O. B. COLQUITT,  
Governor.

## SENATE BILL NO. 165.

The Chair laid before the Senate on second reading and regular order,

Senate Bill No. 165, A bill to be entitled "An Act to create and establish a commission for revising, systematizing and reforming the laws of the State of Texas, and for the appointment of the members of said Commission to be known as 'The Commissioners for the Revision and Reform of the Laws of Texas,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said Commission, secretary and stenographer, to appropriate money therefor, and declaring an emergency."

## SENATE BILL NO. 199.

On motion of Senator Terrell of McLennan, the pending order of business (Senate Bill No. 165) was suspended, and the Senate took up, out of order, Senate Bill No. 199 by the following vote:

## Yeas—22.

Adams.	Paulus.
Carter.	Peeler.
Greer.	Perkins.
Hudspeth.	Real.
Hume.	Sturgeon.
Kauffman.	Terrell, McLennan.
Lattimore.	Terrell, Wise.
Mayfield.	Townsend.
McNealus.	Ward.
Meachum.	Warren.
Murray.	Willacy.

## Nays—2.

Collins.	Cofer.
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## Present—Not Voting.

Johnson.	Vaughan.
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## Absent.

Astin.	Watson.
Bryan.	Weinert.
Ratliff.	

The Chair laid before the Senate on second reading,

Senate Bill No. 199, A bill to be entitled "An Act to provide for the establishment, maintenance and government of a State normal school

to be located in the city of Waco, in McLennan county, and to be known and designated as the Central Texas Normal School."

(Senator Meachum in the Chair.)

Senator Sturgeon offered the following amendment:

Amend printed bill by striking out the words "State Board of Education" wherever same occurs, and inserting in lieu thereof the following, "State Board of Examiners."

Senator Terrell of McLennan moved to table the amendment, which motion to table was adopted by the following vote:

## Yeas—15.

Adams.	Peeler.
Bryan.	Perkins.
Hudspeth.	Real.
Hume.	Terrell, McLennan.
Johnson.	Ward.
Meachum.	Watson.
Murray.	Willacy.
Paulus.	

## Nays—12.

Carter.	McNealus.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Greer.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Warren.

## Present—Not Voting.

Ratliff.

## Absent.

Astin.	Weinert.
Kauffman.	

Senator Terrell of McLennan offered the following amendment, which was read and adopted:

Amend the caption of the bill by adding after the word "school" in line 10 the following: "and declaring an emergency."

## MOTION SPREAD ON JOURNAL.

Senator Hudspeth moved to reconsider the vote by which the Senate refused to order Senate Bill No. 211 engrossed on Saturday, and spread that motion on the Journal. The motion prevailed.

**FIRST HOUSE MESSAGE.**

Hall of the House of Representatives,  
Austin, Texas, Feb. 27, 1911.

Hon. A. B. Davidson, President of  
the Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has passed the following bill:

House Bill No. 513, A bill to be  
entitled "An Act to create a more ef-  
ficient road system for Tyler coun-  
ty, Texas, and making the county  
commissioners of said county ex of-  
ficio road commissioners and pre-  
scribing their duty as such, and pro-  
viding for their compensation as  
such road commissioners, and pro-  
viding for the working of county con-  
victs upon the public roads of said  
county, and providing for commuta-  
tion of time for good behavior and  
good service, and providing for re-  
wards to be offered for the recap-  
ture of an escaped county convict,  
and taxing said reward and all actual  
costs of capturing and delivery of  
said convict against said convict,  
and providing for a penalty for the  
escape of a county convict, and pro-  
viding the amount of compensation  
in road time to be allowed by over-  
seers to road hands for teams,  
plows, scrapers and wagons, and  
providing for condemnation of land  
for public road purposes, and provid-  
ing the working of delinquent poll  
tax payers on the public roads, and  
relieving them from the performance  
of said road work by the payment of  
the sum of three dollars, and pro-  
viding further, making the law cum-  
ulative of the General Laws, and in  
case of conflict, this Act to govern  
as to Tyler county, repealing Chap-  
ter 56, passed by the Twenty-ninth  
Legislature, and as amended by  
Chapter 5 of the Thirty-first Legis-  
lature."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

**BILLS READ AND REFERRED.**

The Chair (Senator Meachum) had  
referred, after its caption had been  
read, the following House bill:

House bill No. 513, referred to  
Committee on Roads, Bridges and  
Ferries.

**FREE CONFERENCE COMMITTEE.**

Senator Mayfield offered the fol-  
lowing motion:

I move that the Senate do  
not concur in House amendments  
to Senate Bill No. 23, but that a free  
conference committee composed of  
Senators Townsend, Bryan, Real,  
Carter and Vaughan be elected by  
the Senate.

The motion was adopted.

**SENATE BILL NO. 308—RE-  
REFERRED.**

Senator Ward moved that Senate  
Bill No. 308 be recalled from the  
calendar and re-referred to Commit-  
tee on Judiciary No. 1.

The motion prevailed.

**SIMPLE RESOLUTION.**

By Senator Ratliff:

Whereas, The Hon. Barnett Gibbs  
occupied for four years the high po-  
litical station of Lieutenant Governor  
of this great State, and for an equal  
length of time was President of the  
Texas Senate: and,

Whereas, There sits now on the  
floor of this Senate a painting of this  
distinguished Texan executed by the  
hand of the woman who was his de-  
voted helpmeet through life, and who  
has presented this painting to the  
Texas Senate, hoping that it would  
find a place upon the walls of the  
chamber over which her husband so  
ably presided; now, therefore, be it

Resolved, That the President of  
the Senate be requested to appoint a  
special committee of three, who  
shall, in conjunction with the Super-  
intendent of Public Buildings, hang  
this painting in some suitable place  
upon the walls of the Senate cham-  
ber.

M'NEALUS,

RATLIFF,

BRYAN,

WARD.

The resolution was read and  
adopted.

The Chair (Senator Meachum) ap-  
pointed the following committee, as  
provided for in the above resolution:  
Senators Ratliff, McNealus and Latti-  
more.

**SENATE BILL NO. 262.**

Senator Perkins moved that Sen-  
ate Bill No. 262 be recalled from the  
Committee on Agricultural Affairs  
and be referred to Committee on  
Educational Affairs.

The motion was adopted.

## SENATE BILL NO. 199.

Action recurred on Senate Bill No. 199, the question being on the engrossment.

The bill having been read, was ordered engrossed by the following vote:

## Yeas—21.

Adams.	Murray.
Astin.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Collins.	Ratliff.
Hudspeth.	Real.
Hume.	Terrell, McLennan.
Johnson.	Terrell, Wise.
Kauffman.	Ward.
Mayfield.	Willacy.
Meachum.	

## Nays—7.

Cofer.	Townsend.
Lattimore.	Vaughan.
McNealus.	Warren.
Sturgeon.	

## Absent.

Watson.

## PAIRED.

Senator Greer (present), who would vote "nay," with Senator Weinert (absent), who would vote "yea."

On motion of Senator Terrell of McLennan, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—27.

Adams.	Meachum.
Astin.	Murray.
Bryan.	Paulus.
Carter.	Peeler.
Cofer.	Perkins.
Collins.	Ratliff.
Greer.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Hume.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Willacy.
McNealus.	

## Nays—1.

Vaughan.

## Absent.

Real.	Weinert.
Watson.	

The bill was read third time and passed by the following vote:

## Yeas—24.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Collins.	Real.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Ward.
Kauffman.	Warren.
Mayfield.	Watson.
Meachum.	Willacy.

## Nays—4.

Cofer.	Sturgeon.
Lattimore.	Vaughan.

## Present—Not Voting.

McNealus.

## Absent.

Murray.

Weinert.

Senator Terrell of McLennan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 56.

On motion of Senator Mayfield, the pending order of business (Senate Bill No. 165) was suspended, and the Senate took up, out of its order, Senate Bill No. 56, by unanimous consent.

The Chair laid before the Senate, on third reading,

Senate Bill No. 56, A bill to be entitled "An Act to prohibit the operation of street cars and interurban cars unless such cars are provided with screens or vestibules which will protect the motormen, gripmen or other operators of such cars from inclement weather, from the first day of November to the fifteenth day of March of each year; to provide penalties penalties for violation of this Act, and fees and commissions for attorneys bringing suits, and to fix venue for such suits."

The bill was read third time and passed finally by the following vote:

## Yeas—27.

Adams.	Murray.
Bryan.	Paulus.
Carter.	Peeler.
Cofer.	Perkins.
Collins.	Ratliff.
Greer.	Real.
Hudspeth.	Sturgeon.
Hume.	Terrell, McLennan.
Johnson.	Terrell, Wise.
Kauffman.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Warren.
McNealus.	Willacy.
Meachum.	

## Present—Not Voting.

Astin.

## Absent.

Ward.	Weinert.
Watson.	

Senator Mayfield moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE JOINT RESOLUTION  
NO. 9.

On motion of Senator Townsend the pending order of business (Senate Bill No. 165) was suspended, and the Senate took up, out of its order, Senate Joint Resolution No. 9, by unanimous consent.

The Chair laid before the Senate, on second reading,

Senate Joint Resolution No. 9, to amend Section 51 of Article 3 of the Constitution of the State of Texas, so as to authorize the grant of aid to indigent and disabled Confederate soldiers and sailors and their widows, and to soldiers who served in the militia and in organizations for the protection of the frontier, and their indigent widows, and to grant aid for the establishment and maintenance of a home for the indigent and dependent wives and widows of Confederate soldiers and sailors, and such women as aided the Confederacy, and authorize a special ad valorem pension tax, and making appropriations for same.

The resolution was read, and Sen-

ator Murray offered the following amendment:

Amend the resolution by striking out the figures "1900" wherever they occur and insert in lieu thereof the figures "1887."

Senator Hudspeth offered the following substitute for the amendment:

Substitute for the amendment to the resolution by striking out "1900" wherever it occurs and insert in lieu thereof the figures "1911."

Hudspeth, McNealus, Collins, Mayfield, Perkins, Real, Cofer, Ratliff, Meachum, Astin, Townsend, Carter, Peeler.

The substitute was read and adopted by the following vote:

## Yeas—24.

Adams.	Peeler.
Astin.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Johnson.	Terrell, Wise.
Kauffman.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Warren.
Meachum.	Willacy.

## Nays—4.

Greer.	Murray.
Hume.	Paulus.

## Absent.

Bryan.	Weinert.
Watson.	

The amendment, as substituted, was then adopted.

Senator Ratliff offered the following amendment, which was read and adopted:

Amend the bill by striking out everything between the figures "1900" in line 27, page 1, and the figures "1900" in line 32, same page.

RATLIFF,  
COFER.

Senator Ward offered the following amendment, which was read and adopted:

Amend the joint resolution by striking out the words "who have

never been remarried," in line 24, page 1.

WARD,  
TERRELL of McLennan.  
TOWNSEND.

The resolution having been read, was ordered engrossed by the following vote:

Yeas—26.

Adams.	Peeler.
Astin.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	Watson.
Meachum.	Willacy.

Nays—2.

Hume. Murray.

Absent.

Bryan. Weinert.  
Paulus.

#### SENATE BILL NO. 173.

On motion of Senator Vaughan, the pending order of business (Senate Bill No. 163) was suspended, and the Senate took up, out of its order, Senate Bill No. 173, by unanimous consent.

The Chair laid before the Senate, on second reading,

Senate Bill No. 173, A bill to be entitled "An Act to require that in moving any train, locomotive or car, over any railway track, or street which travelers or the public have the right to use, the person or persons in charge of or entrusted with the operation of such train, locomotive or car, shall use ordinary care to keep a lookout to discover and avoid injury to persons at or using or about to use such crossing or place; and to provide that a failure on the part of the person or persons in charge of or entrusted with the operation of any train, locomotive or car, to use such care, shall render such person or persons, and his or their employer, the owner, lessee, op-

erator or receiver of such railway or street railway, liable to any person injured, or in case death results from such failure to use such care, then to the person or persons entitled under the law to maintain action for the death of the person killed, for all such damages as may result from the failure of such person or persons in charge or entrusted with the operation of such train, locomotive or car, to use such care as is imposed by the provisions of this Act; and to provide that contributory negligence of the person injured or killed through the failure to use such care as is imposed by the provisions of this Act, shall not be a defense against any action to recover damages for such injury or death, when by the exercise of such care as is imposed by this Act the person or persons in charge of or entrusted with the operation of such train, locomotive or car, could have discovered the person injured or killed to be in or exposed to danger, in time by the exercise of ordinary care on their part, to have avoided killing or injuring such person."

#### SIMPLE RESOLUTION.

By Senator Hume:

Whereas, certain errors have been made in the enrollment of Senate Bill No. 163, now in the hands of the Governor; therefore, be it

Resolved, That the Senate recall said bill from the Governor for the purpose of correction.

The resolution was read and adopted.

#### RECESS.

On motion of Senator Murray, the Senate, at 12:40 o'clock p. m., recessed until 3 o'clock today.

#### AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

#### SENATE BILL NO. 48.

On motion of Senator Paulus, the pending order of business (Senate Bill No. 165) was suspended, and the Senate took up, out of its order, Senate Bill No. 48, by unanimous consent.

The Chair laid before the Senate on second reading,

Senate Bill No. 48, A bill to be entitled "An Act for the institution and maintenance by certain railroad companies and receivers of hospitals for the use and benefit of contributing railroad employes and providing for the management of such hospitals and for the selection of members of the boards thereof and for the powers of the boards and for free transportation of sick and injured employes to and from such hospitals and fixing penalties for violation, and providing for the collection of such penalties."

There being a favorable majority committee report, and an adverse minority committee report, to the bill.

On motion of Senator Paulus, the majority committee report was adopted.

Senator Paulus offered the following amendment:

Strike out all after enacting clause, and insert:

Section 1. That every railroad corporation or receiver thereof which makes deductions from the wages of its or his employes for the purpose of maintaining, paying for or conducting any hospital for the use of its employes, shall be held to be a trustee of the funds so derived from such deductions, and any fund so derived and any hospital that has been built by means of any fund so derived in whole or in part, shall be considered to be held in trust for the benefit of the employes of such railway corporation or receiver, and any such hospital shall after the taking effect of this Act be under the management and control of a board of directors of nine members, six of whom shall be selected by such employes of such corporation or receiver, and three of whom shall be appointed by such corporation or receiver, and a majority of whom shall constitute a quorum.

Sec. 2. That the management, except as herein otherwise provided, of every such hospital maintained or that shall hereafter be maintained under the provisions of this statute, is hereby vested in a board of directors, which shall consist of three members, who shall be appointed by the railway corporation or receiver thereof, and of six members, who shall be selected by referendum vote of the employes of such corporation

or receiver, which members shall hold office and perform the duties as hereinafter provided; such selection shall be held annually at such time and place and in such manner as to make it free and open to all employes of such corporation or receiver; but no employe occupying an official position with such railway company shall be eligible to hold membership on such board as an employe, and that no surgeon or physician shall be eligible to be appointed by such railway company or receiver thereof. The first referendum vote for the selection of the six employes who shall be members of the board of directors as herein provided, shall be arranged and conducted by a committee of three employes at each terminal point on such railway line, to be selected by a mass meeting of such employes at each such terminal point, who shall prepare and print a ballot for the use of such employes voting, arrange a ballot box and a place at each respective terminal point where said committee of three shall be at a date named by the mass meeting selecting such committee of three, and where votes shall be received and counted, and the names of all employes voting registered.

Sec. 3. That the members of the board of directors of each and every hospital maintained under the provisions of this statute, except the members of the board appointed by the company or receiver, shall hold office, except as herein otherwise provided, for as many years as there are members of said board, but the six members first selected shall draw lots and shall hold office for the term, the length of which shall be determined by lot, for one year, for two years, for three years, and so on up to the longest term, which shall be for a number of years equal to the number of members of the board of managers so selected by the employes, after which all full terms of office in any one board shall be of equal length, so that there shall be one term of office and no more expiring each year.

Sec. 4. That all vacancies in the membership of the board of directors shall be filled by the company, receiver or employes having the original right of appointment to or selection for such membership, and all members appointed or selected to fill the vacancies shall hold office as members of such board for the balance of



the unexpired term of their respective predecessors in office.

Sec. 5. That every railway company, receiver or the employes thereof of appointing or selecting a member of any such board of directors is hereby vested with full power and authority, at his or their own and sole option, to recall any member appointed or selected by him or them to fill the vacancy thereby created.

Sec. 6. That each and every board of directors shall select its own officers and perfect its own organization as to it shall seem best, and a majority of the members of said board shall always constitute a quorum. That said board of directors shall hold its first meeting in the town or city where such hospital is located on the first Monday in the first current month in the year 1911, at 2 p. m., following the taking effect of this statute, and may thereafter hold its meeting at such time and places as said board of directors may direct.

Sec. 7. That the said board of directors shall determine and fix the amount to be contributed and paid to the hospital fund by each employe who desires to participate in the hospital benefit, and it shall also determine and fix the manner and time of payment, and it is expressly provided that the board of directors shall classify all contributing employes according to the occupation followed by each, and according to the wages or compensation received by each employe for services rendered, and the contributions and payments required of any one class of employes may, in the discretion of the board of directors, be either greater or less than the contributions and payments required of any other class or classes.

Sec. 8. That every railway company or receiver thereof maintaining a hospital under the provisions of this statute shall haul any employe needing and entitled to hospital treatment, or who has been discharged from said hospital, to or from the same free of charge so long as such transportation is over its own rails.

Sec. 9. Any hospital conducted by any railway company or receiver thereof, or under its or his direction or supervision in any other manner than that provided for in this statute shall be deemed to be conducted for the benefit of such railway company or receiver, and the person in charge of or employed in said hospital shall be deemed agents and employes of

such railway company or receiver, and for their acts and omissions such railway company or receiver shall be responsible the same as for acts and omissions of other agents and employes.

Sec. 10. That every railway company or receiver thereof that shall make deductions from the wages of its or his employes for the purpose of maintaining or paying for or conducting any hospital other than one that is under the management of such a board of directors as is provided for by this Act, shall be liable to the State of Texas for a penalty of not less than fifty (\$50.00) dollars or more than two hundred (\$200.00) dollars for each and every day during which such failure or refusal shall continue, and suit for the recovery of any such penalty shall be brought in the name of the State of Texas by the Attorney General or the county or district attorney in the county of Travis, or in any other county within the said State into or through which the defendant's line of railway may run, and the district or county attorney bringing or prosecuting any such suit shall receive a fee of fifty (\$50.00) dollars for each penalty recovered and collected by him, and 10 per cent of all sums in excess of fifty dollars so recovered and collected, and the fees and compensation here fixed shall be over and above the fees allowed to such attorney under the general fee statutes.

Sec. 11. The fact that there is no law in force in Texas providing for the maintenance of railway hospitals, or giving the contributing employes any representation in the management of the hospitals which are being maintained of and by their contributions, creates an emergency and an imperative public necessity for the suspension of the constitutional rules requiring bills to be read on three several days, and that this statute shall be enforced from and after its passage, and it is hereby so enacted.

Pending.

On motion of Senator Lattimore the bill was made a special order for Wednesday morning after the conclusion of the morning call.

(Senator Meachum in the Chair.)

#### FREE CONFERENCE COMMITTEE REPORT.

By Senator Carter:

Austin, Texas, Feb. 27, 1911.

Hon. A. B. Davidson, President of the

Senate, and Hon. Sam Rayburn, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee appointed by the Senate and the House on

Senate Bill No. 141, by Carter, being "An Act to reorganize the Second and Fourth Judicial Districts, etc."

Beg to report that we have had the same under consideration and recommend that the House recede from the following amendment adopted by it, to wit:

Amend Senate Bill No. 141, line 28, page 1, Section 1, by striking out the words "first" and "Sept." and insert in lieu thereof "second" and "July," and we recommend that the bill do pass as originally passed by the Senate and House, excluding said above amendment from its provisions, and that the bill with the other amendment be adopted and passed.

CARTER,  
WATSON,  
TOWNSEND,  
LATTIMORE,  
MEACHUM,  
On Part of the Senate.  
STONE,  
ROWELL,  
DOTSON,  
BIRDSONG,  
BAKER of Panola,  
On Part of the House.

The above report was read and adopted by the following vote:

Yeas—23.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Real.
Carter.	Sturgeon.
Collins.	Terrell, McLennan.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Hume.	Vaughan.
Johnson.	Ward.
Lattimore.	Warren.
McNealus.	Watson.
Meachum.	

Nays—1.

Cofer.

Absent.

Kauffman.	Murray.
Mayfield.	Perkins.

Ratliff.  
Weinert.

Willacy.

HOUSE BILL NO. 428.

On motion of Senator Peeler, the pending order of business (Senate bill No. 173) was suspended, and the Senate took up, out of its order, House Bi'l No. 428, by unanimous consent.

The Chair laid before the Senate on second reading,

House Bill No. 428, A bill to be entitled "An Act to authorize and empower county commissioners' precincts or any defined subdivision thereof of Burnet county, Texas, to determine by vote of the resident qualified tax paying voters of any county commissioners' precinct or any defined subdivision thereof of said county whether or not the bonds of any such county commissioners' precinct or defined subdivision thereof shall be issued in any amount not to exceed one-fourth of the assessed valuation of the real property of such county commissioners' precinct or any defined subdivision thereof for the purpose of constructing and maintaining macadamized, graveled or paved roads and turnpikes or in aid thereof within such precinct or defined subdivision, etc., and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

HOUSE BILL NO. 302.

On motion of Senator Peeler, the pending order of business (Senate bill No. 173) was suspended, and the Senate took up, out of its order, House Bill No. 302, by unanimous consent.

The Chair laid before the Senate on second reading,

House Bill No. 302, A bill to be entitled "An Act creating the Oak Alla Independent School District in Burnet county, Texas, defining its metes and bounds, providing for a board of trustees therefor, vesting it with the rights and duties of districts incorporated for school purposes only, under the General Laws, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

#### HOUSE BILL NO. 254.

On motion of Senator Peeler, the pending order of business (Senate bill No. 175) was suspended, and the Senate took up, out of its order, House Bill No. 254, by unanimous consent,

The Chair laid before the Senate on second reading,

House Bill No. 254, A bill to be entitled "An Act amending Sections 6 and 7 of An Act passed by the Regular Session of the Thirty-first Legislature, entitled 'An Act to repeal Chapter 31 of the Local and Special Laws of the Thirtieth Legislature of Texas, creating a special road system for Williamson county, Texas, and approved March 20,' and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

#### HOUSE BILL NO. 427.

On motion of Senator Cofer, the pending order of business (Senate Bill No. 173) was suspended, and the Senate took up, out of its order, House bill No. 427, by unanimous consent.

The Chair laid before the Senate on third reading,

House Bill No. 427, A bill to be entitled "An Act creating the Golden Rule Independent School District, situated in Grayson county, Texas; describing the same by metes and bounds; prescribing the rights, duties, powers and privileges of said school district, and declaring an emergency."

The bill was read third time and was passed by the following vote:

Yeas—24.

Adams.	McNealus.
Astin.	Meachum.
Bryan.	Murray.
Carter.	Paulus.
Cofer.	Peeler.
Collins.	Real.
Hudspeth.	Sturgeon.
Hume.	Terrell, McLennan.
Johnson.	Terrell, Wise.
Lattimore.	Townsend.

Vaughan.  
Ward.

Warren.  
Watson.

Absent.

Greer.  
Kauffman.  
Mayfield.  
Perkins.

Ratliff.  
Weinert.  
Willacy.

Senator Cofer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 430.

On motion of Senator Watson, the pending order of business (Senate Bill No. 173) was suspended, and the Senate took up, out of its order, House bill No. 430, by unanimous consent.

The Chair laid before the Senate on third reading,

House bill No. 430, A bill to be entitled "An Act to amend Chapter 58, being the Special Road Law for Bastrop county as passed by the Thirty-first Legislature, Special Laws, being Sections 1 to 16, inclusive, by adding thereto Sections 12a, 12b, 12c, 12d, 12e, 12f, 12g, and 12h, so as to authorize any political subdivision of said county to issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real and personal property of said political subdivision, and to levy and collect such taxes to pay the interest upon such bonds and provide a sinking fund for the redemption of the same, for the purpose of constructing, maintaining and operating macadamized, graveled, paved or such other kind of public roads or bridges as may seem best to the commissioners' court of said county, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—25.

Adams.	Johnson.
Astin.	Lattimore.
Bryan.	McNealus.
Carter.	Meachum.
Cofer.	Paulus.
Collins.	Peeler.
Greer.	Ratliff.
Hudspeth.	Real.
Hume.	Sturgeon.

Terrell, Wise.	Warren.
Townsend.	Watson.
Vaughan.	Willacy.
Ward.	

Absent.

Kauffman.	Perkins.
Mayfield.	Terrell, McLennan.
Murray.	Weinert.

Senator Watson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 441.

On motion of Senator Watson, the pending order of business (Senate Bill No. 173) was suspended, and the Senate took up, out of its order, House Bill No. 441, by unanimous consent.

The Chair laid before the Senate on second reading.

House Bill No. 441, A bill to be entitled "An Act to amend Sections 7 and 8, Chapter 34 of the Special Laws of the Regular Session of the Thirtieth Legislature, entitled 'An Act to create a more efficient road system for Washington county, Texas, and making the county commissioners of said county ex officio road commissioners, and prescribing their duty as such, and providing for their compensation as such road commissioners, and providing for the working of county convicts upon the public roads of said county, and providing for commutation of time for good behavior and good service, and providing for a reward to be offered for the recapture of an escaped convict, and taxing said reward and all actual cost of capturing and delivery of said convict against said convict, and providing for a penalty for the escape of a county convict, and providing the amount of compensation in road time to be allowed by overseers to road hands for teams, plows, scrapers, wagons, and providing for the condemnation of land for public road purposes, and providing for the working of delinquent poll tax payers on the public roads and relieving them from the performance of said road work by the payment of the sum of \$3; and providing further, making this law cumulative, and in case of conflict this Act to govern as to Washington county,' and to add

to said chapter Sections 15a and 15b, conferring upon the commissioners' court of said county the authority to employ a person, with a salary not to exceed \$100 per month, to work under the orders of said court for the purpose of carrying out the provisions of said charter."

The bill was read second time and passed to a third reading.

On motion of Senator Watson, the vote by which the bill was passed to a third reading was reconsidered.

Senator Watson offered the following amendment, which was read and adopted:

Amend the bill by adding the emergency clause at end thereof to read as follows:

Sec. 3. The fact of the near approach of this session of the Legislature creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and this Act shall take effect from and after its passage, and it is so enacted.

Senator Watson offered the following amendment, which was read and adopted:

Amend the caption by adding at the end thereof the following: "and declaring an emergency."

Bill read second time, and passed to a third reading.

On motion of Senator Watson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Murray.
Astin.	Paulus.
Bryan.	Peeler.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Hume.	Vaughan.
Johnson.	Ward.
Lattimore.	Warren.
McNealus.	Watson.
Meachum.	Willacy.

Absent.

Kauffman.	Terrell, McLennan.
Mayfield.	Weinert.
Perkins.	

The bill was read third time and passed by the following vote:

Yeas—25.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Ratliff.
Carter.	Sturgeon.
Collins.	Terrell, McLennan.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Hume.	Vaughan.
Johnson.	Ward.
Lattimore.	Warren.
McNealus.	Watson.
Meachum.	Willacy.
Murray.	

Absent.

Cofer	Perkins.
Kauffman.	Real.
Mayfield.	Weinert.

Senator Watson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SIMPLE RESOLUTION.

By Senator Sturgeon:

Resolved, That Senate Bill Nos. 287 and 288, now in the hands of the Engrossing Clerk, not having been amended in any respect, be treated and considered as the Engrossed Bills, and that the Engrossing Clerk be permitted and directed to hand same to the Chairman of the Committee on Engrossed Bills to be reported to the Senate as the Engrossed Bills.

The resolution was read and adopted.

#### SENATE BILL NO. 287.

On motion of Senator Sturgeon, the pending order of business (Senate Bill No. 173) was suspended, and the Senate took up, out of its order, Senate Bill No. 287, by unanimous consent.

The Chair laid before the Senate on third reading,

Senate Bill No. 287, A bill to be entitled "An Act to adopt and establish a 'Penal Code' and a 'Code of Criminal Procedure' for the State of Texas."

The bill was read a third time and passed.

Senator Sturgeon moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SECOND HOUSE MESSAGE.

Hall of the House of Representatives.  
Austin, Texas, Feb. 27, 1911.  
Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate for a Free Conference Committee on Senate Bill No. 23, and the following have been appointed on part of the House: Messrs. Hill, McDaniel, Terrell of Cherokee, Minton and Singleton. Also adopted the Free Conference Committee report on Senate Bill No. 141.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### SENATE BILL NO. 230.

On motion of Senator Willacy, the pending order of business (Senate Bill No. 173) was suspended, and the Senate took up, out of its order, Senate Bill No. 230, by unanimous consent.

The Chair laid before the Senate on second reading,

Senate Bill No. 230, A bill to be entitled "An Act to authorize the sale of a portion of Harbor Island and other islands in Red Fish Bay, Corpus Christi Bay and Aransas Bay, and certain lands under the shallow waters of Red Fish Bay, Corpus Christi Bay and Aransas Bay; to authorize the building of railroads, terminal railroads, or interurban railroads from any point on the main land to Aransas Harbor, and to provide for the purchase by any such railroads of certain lands on Harbor Island; to define the rights of channel and dock companies, which have heretofore, or may hereafter, dredge channels from the mainland to Aransas Harbor; to authorize the dredging of slips, the erection of docks, piers, dry docks, ship yards, sheds, railroad tracks, approaches, terminals, sidings, depots, warehouses, and all necessary appurtenances thereto, and to provide for the disposition of the funds arising from such sale, and declaring an emergency."

The question being on the committee report, which was an adverse re-

port, with a favorable substitute bill, Senator Willacy offered the following amendment to the committee report, which was read and adopted:

Amend the committee report by striking out the name "Willacy, Chairman," and insert "Murray, Chairman."

The committee report was then adopted.

The bill having been read, Senator Willacy offered the following amendment, which was read and adopted:

Amend by inserting after the word "frontage," in line 19 of page 9 of the printed bill the following, "on the north side of," and by striking out the word "in" between the words "frontage" and "Turtle Cove," in line 19 of page 9.

Senator Willacy offered the following amendment, which was read and adopted:

Amend line 1, page 10 of the printed bill by adding after the words "quarantine station" the following, "provided same does not interfere with the enclosure now on said quarantine reservation."

Senator Willacy offered the following amendment, which was read and adopted:

Amend line 5, page 10 of the printed bill by striking out the word "hundred," and insert in lieu thereof the word "thousand."

Senator Willacy offered the following amendment, which was read and adopted:

Amend line 15, page 10 of the printed bill by striking out the word "frontage" after the word "a," and insert in lieu thereof, "tract of land fronting."

Senator Willacy offered the following amendment, which was read and adopted:

Amend line 16, page 10, of the printed bill, by inserting between the words "back" and "from" the following: "between parallel lines." And on line 17, after the word "feet" the following: "using the center line of the channel of the Aransas Pass Channel & Dock Company's channel as a base as the same is now constructed."

Senator Willacy offered the following amendment, which was read and adopted:

Amend line 25 of page 10 of the printed bill by inserting the word "has" between the words "which" and "heretofore."

Senator Willacy offered the following amendment, which was read and adopted:

Amend by inserting after the word "of" in line 4, page 11 of the printed bill, the following: "and contiguous to," and by inserting after the word "harbor" in line 5, page 11, of the printed bill, the following: "between parallel lines."

Senator Willacy offered the following amendment to the bill, which was read and adopted:

Amend the bill, on page 11, line 8, of the printed bill, by striking out the word "land" and inserting in lieu thereof the word "harbor," and by adding after the word "harbor" as inserted the following: "; unless within twelve months from the taking effect of this Act Turtle Cove channel shall be dredged to a depth of twenty feet and two hundred feet wide, from the main harbor, a distance of seven hundred and twenty-five feet south from a point on the north line of Turtle Cove channel where an extension of a line drawn parallel to the south line of the Aransas Pass Channel and Dock Company's channel and twelve hundred feet south of said south line, would strike the north line of Turtle Cove channel."

Senator Willacy offered the following amendment, which was read and adopted:

Amend the printed bill, on page 12, by striking out the whole of line 10 and the words "with said harbor" in line 11, and insert in lieu thereof the following: "; provided, however, if by reason of any failure to extend Turtle Cove channel, as provided in Section 4 of this Act, such municipality fails to secure any frontage on said channel having a depth of at least twenty feet, then such municipality may renew its application, and in lieu of the land first applied for shall have the right to purchase from the State any unappropriated lands south of the junction of said Turtle Cove channel with said main harbor, not exceeding two thousand feet;"

Senator Willacy offered the following amendment, which was read and adopted:

Amend the printed bill, page 14, line 27, by inserting after the word "office" the following: "shall return to the applicant the purchase money paid, and he."

Senator Willacy offered the following amendment, which was read and adopted:

Amend the printed bill, on page 15, line 5, by inserting after the word "then" the following: "without further judicial ascertainment;"

Senator Willacy offered the following amendment to the bill, which was read and adopted:

Amend the printed bill, page 15, line 14, by inserting after the word "heirs" the following: ", successors."

Senator Willacy offered the following amendment:

Amend the printed bill, page 16, line 15, by striking out all after the word "harbor" in said line 15 and also by striking out lines 16, 17, 18 and 19.

Senator Willacy offered the following amendment, which was read and adopted:

Amend the caption of the bill by striking out all after the words "An Act" and insert in lieu thereof the following:

"To authorize the sale of portions of Harbor Island and other islands in the Red Fish Bay, Corpus Christi Bay and Aransas Bay, and certain lands under the shallow waters of Red Fish Bay, Corpus Christi Bay and Aransas Bay, with certain restrictions; to authorize the building of railroads, terminal railroads, suburban railroads or interurban railroads from any point on the main land to Aransas Harbor, and to provide for the purchase by any such railroads, or by any channel and dock company or by any municipality which is now or may hereafter be connected with Aransas Harbor by a navigable channel dredged by the United States Government, and which has the right under its charter to construct, operate and maintain wharves and docks, of certain lands on Harbor Island; to provide for the conditions and terms of such purchases and for the issuance of patents therefor; to define the rights of channel and dock companies which have heretofore or may hereafter dredge channels from the mainland to Aransas Harbor; prohibiting the consolidation of ownership of any of the lands or frontage herein authorized to be sold and providing for the forfeiture of any such land or frontage acquired under this Act, should any consolidation be entered into; to authorize the dredging of slips,

the erection of docks, piers, dry docks, ship yards, sheds, railroads, railroad tracks, approaches, terminals, sidings, depots, warehouses, and all necessary appurtenances thereto, and to provide for the disposition of the funds arising from such sales; providing for the release and quitclaim unto the State of Texas of all right, title or interest held or claimed by any channel and dock company, railway company, interurban railroad company, or suburban railroad company to any land or frontage on Harbor Island, or Aransas Harbor, before purchasing under this Act, except the land and frontage acquired under the provisions of this Act, and declaring an emergency.

Senator Townsend offered the following amendment:

Amend the bill wherever the words "at \$2.00 per acre" occur therein and insert in lieu thereof the following: "At the best price per acre obtainable by competitive bids as school lands are now sold by the State, the minimum price per acre of same to be not less than \$2.00 per acre."

Senator Murray moved to table the amendment, which motion to table was adopted by the following vote:

Yeas—24.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Ratliff.
Carter.	Real.
Cofer.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Hume.	Terrell, Wise.
Johnson.	Vaughan.
Kauffman.	Ward.
McNealus.	Warren.
Meachum.	Watson.
Murray.	Willacy.

Nays—3.

Collins.	Townsend.
Lattimore.	

Absent.

Mayfield.	Perkins.
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PAIRED.

Senator Greer (present), who would vote "nay," with Senator Weinert (absent), who would vote "yea."

Bill read second time, and ordered engrossed.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Ratliff.
Carter.	Real.
Cofer.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Hume.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
McNealus.	Warren.
Meachum.	Watson.
Murray.	Willacy.

Nays—1.

Collins.

Absent.

Mayfield.

Perkins.

PAIRED.

Senator Greer (present), who would vote "nay," with Senator Weinert (absent), who would vote "yea."

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.	Murray.
Astin.	Paulus.
Bryan.	Peeler.
Carter.	Ratliff.
Cofer.	Real.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
McNealus.	Watson.
Meachum.	Willacy.

Nays—2.

Collins.

Townsend.

Absent.

Hume.  
Mayfield.  
Perkins.

Sturgeon.  
Weinert.

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 268.

On motion of Senator Hudspeth, the pending order of business (Senate bill No. 173) was suspended, and the Senate took up, out of its order, Senate bill No. 268, by unanimous consent.

The Chair laid before the Senate, on third reading,

Senate bill No. 268, A bill to be entitled "An Act to create a more efficient road system for Terrell county, Texas, and making the county commissioners of said county ex officio road overseers, and prescribing their duties as such, and providing for their compensation as such road commissioners; and providing for the working of county convicts upon the public roads of said county, and providing for the amount of compensation in road time to be allowed by overseers to road hands for teams and road work; and providing for the condemnation of land for public road purposes, and relieving road hands from the performance of road work by the payment of the sum of three dollars, and providing further, making this law cumulative of the General Laws, and in case of conflict this Act to govern as to Terrell county, Texas, and fixing a penalty for the violation of this Act; and repealing all laws in conflict with this Act, and declaring an emergency."

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Murray.
Astin.	Paulus.
Bryan.	Peeler.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Terrell, McLennan.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
McNealus.	Watson.
Meachum.	Willacy.

Present—Not Voting.

Hume.



Absent.

Mayfield. Sturgeon.  
Perkins. Weinert.

Senator Watson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 168.

On motion of Senator Peeler, the pending order of business (Senate bill No. 173) was suspended, and the Senate took up, out of its order, Senate bill No. 168, by unanimous consent.

The Chair laid before the Senate on second reading,

Senate Bill No. 168, A bill to be entitled "An Act to establish our State Correspondence School as now endowed by Miss Cooke.

(Lieutenant Governor Davidson in the Chair.)

The bill having been read

Senator Vaughan moved the previous question on the bill, which motion being duly seconded, was so ordered.

The bill was read second time, and ordered engrossed.

Senator Cofer moved to reconsider the vote by which the bill was ordered engrossed, and lay that motion on the table.

The motion to table prevailed.

(Senator Meachum in the Chair.)

#### HOUSE BILL NO. 507.

On motion of Senator Astin the pending order of business (Senate Bill No 173) was suspended, and the Senate took up, out of its order, House Bill No. 507, by unanimous consent.

The Chair laid before the Senate, on second reading,

House Bill No. 507, A bill to be entitled "An Act to create a more efficient road system for Brazos county, Texas, and making county commissioners of said county ex officio road commissioners, and prescribing their duties as such, and providing for the appointment of deputy road commissioners, and defining the powers and duties of such county commissioners, and providing for the appointment of road overseers, and defining their duties, and for the working of county

convicts upon the public roads of said county, and providing for officers' fees and rewards for the capture of escaped convicts, and to provide for the manner of training hedges along any public road, and to provide for the summoning of teams for road work, and for an allowance of time for road service for same, and fixing the penalty for a violation of this Act, and repealing all laws in conflict with this Act."

On motion of Senator Astin the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The bill was read a second time and passed to a third reading.

#### SENATE BILL NO. 313.

On motion of Senator Adams the pending order of business (Senate Bill No. 173) was suspended, and the Senate took up, out of its order, Senate Bill No. 313, by unanimous consent.

The Chair laid before the Senate on second reading,

Senate Bill No. 313, A bill to be entitled "An Act to amend Section 10 of Chapter 79 of the General Laws, passed by the Twenty-seventh Legislature, which said chapter was also amended by the Acts of the Thirty-first Legislature of the State of Texas, creating a more efficient road system for Brown county, Texas, and making the county commissioners of said county ex officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners."

On motion of Senator Adams the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The bill was read a second time and passed to a third reading.

#### SENATE BILL NO. 295.

On motion of Senator Greer the pending order of business (Senate Bill No 173) was suspended, and the

Senate took up, out of its order, Senate Bill No. 295, by unanimous consent.

On motion of Senator Greer the Senate rule requiring committee reports to lie over for one day was suspended for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate on second reading,

Senate Bill No. 295, A bill to be entitled "An Act creating the Pleasant Grove Independent School District in Wood county, Texas, and defining its boundaries, etc., and declaring an emergency."

Bill read second time and ordered engrossed.

On motion of Senator Greer the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28

Adams.	Paulus.
Astin.	Peeler.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
McNealus.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Bryan.	Perkins.
Mayfield.	

The bill was read a third time and passed by the following vote:

Yeas—28.

Adams.	Kauffman.
Astin.	Lattimore.
Carter.	McNealus.
Cofer.	Meachum.
Collins.	Murray.
Greer.	Paulus.
Hudspeth.	Peeler.
Hume.	Ratliff.
Johnson.	Real.

Sturgeon.	Ward.
Terrell, McLennan.	Warren.
Terrell, Wise.	Watson.
Vaughan.	Weinert.
Townsend.	Willacy.

Absent.

Bryan.	Perkins.
Mayfield.	

Senator Greer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 385.

On motion of Senator Murray the pending order of business (Senate Bill No. 173) was suspended, and the Senate took up, out of its order, House Bill No. 385, by unanimous consent.

The Chair laid before the Senate, on second reading,

House Bill No. 385, A bill to be entitled "An Act to create a more efficient road system for Bee county, Texas."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read a second time and passed to a third reading.

SENATE BILL NO. 173.

Action recurred on Senate Bill No. 173, the question being on the committee report, there being a favorable majority committee report and an adverse minority committee report.

On motion of Senator Vaughan the majority committee report was adopted.

Senator Vaughan offered the following amendment, which was read and adopted:

Amend the bill by adding after line 12, page 3, the following Section 5:

Sec. 5. The crowded condition of the calendar and the near approach of the close of the present session of the Legislature, and the fact that there is a necessity for the change in the law made by this Act, creates an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

Senator Vaughan offered the fol-

lowing amendment, which was read and adopted:

Amend the bill by adding after line 32, page 1, the following, "and declaring an emergency."

Senator Lattimore offered the following amendment, which was read and adopted:

Amend the bill by striking out all after the word "killed," in line 25, page 1, down to and including the word "Act," in line 26, same page.

Senator Lattimore offered the following amendment, which was read and adopted:

Amend the bill by striking out all from and after the word "killed," in line 27, page 2, down to and including the word "Act," in line 29, same page.

Senator Lattimore offered the following amendment, which was read and adopted:

Amend the bill by striking out the word "him" from line 5, page 3, and substituting therefor the following, "such person."

Senator Carter offered the following amendment, which was read and adopted:

Amend the bill, page 3, Section 4, line 8, by inserting after the word "deceased" in said line the following, "or injured person."

Bill read second time, and ordered engrossed.

On motion of Senator Vaughan the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Meachum.
Astin.	Murray.
Bryan.	Paulus.
Carter.	Peeler.
Cofer.	Ratliff.
Collins.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Hume.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Warren.
McNealus.	Weinert.

Absent.

Greer.	Ward.
Mayfield.	Watson.
Perkins.	Willacy.
Real.	

The bill was read third time and passed by the following vote:

Yeas—25.

Adams.	Murray.
Astin.	Paulus.
Bryan.	Peeler.
Carter.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
McNealus.	Weinert.
Meachum.	

Nays—1.

Real.

Absent.

Greer.	Watson.
Mayfield.	Willacy.
Perkins.	

Senator Vaughan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### FREE CONFERENCE COMMITTEE REPORT.

By Senator Townsend:

Austin, Texas, Feb. 27, 1911.

Hon. A. B. Davidson, Lieutenant Governor and President of the Senate, and Hon. Sam T. Rayburn, Speaker of the House of Representatives, Austin, Texas.

Gentlemen: We, the undersigned persons, who were selected as a Free Conference Committee to consider Senate Bill No. 23, A bill to be entitled "An Act to provide for the location and establishment at the East Texas penitentiary at Rusk, Cherokee county, Texas, by the Board of Prison Commissioners of the State penitentiary, of a factory for the manufacture of cotton bagging, cotton sacks, cotton duck, cotton rope, cotton twine, and other cotton goods, for the employment of managing experts and of certain convicts in the operation of said factory, to make an appropriation therefor, and the repealing of all laws or parts of laws in conflict with said act, and declaring an emergency,"

Have had the same under consideration, and we beg to recommend that the House of Representatives recedes from its amendment, as adopted by it, and that the bill as passed by the Senate be adopted by both bodies with the following amendment, added at the close of Section 4, to become a part thereof, to wit:

"Provided that any person, firm, association of persons, or corporation desiring to purchase the product of said factory to the amount of \$250.00 or more at any one time shall be allowed to purchase the same at the wholesale price as fixed by the prison commission for the sale of the products of said factory to jobbers and merchants, and we recommend that the original bill as passed by the Senate be adopted with this amendment only.

Respectfully submitted,  
TOWNSEND,  
VAUGHAN,  
CARTER,  
BRYAN,  
REAL.

On the part of the Senate.

HILL,  
McDANIEL,  
TERRELL of Cherokee.  
MINTON,  
SINGLETON,

On the part of the House.

The above report was read and adopted by the following vote:

Yeas—27.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Ratliff.
Carter.	Real.
Cofer.	Sturgeon.
Collins.	Terrell, McLennan.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Hume.	Vaughan.
Johnson.	Ward.
Kauffman.	Warren.
Lattimore.	Weinert.
McNealus.	Willacy.
Meachum.	

Present—Not Voting.

Murray.

Absent.

Mayfield.  
Perkins.

Watson.

Senator Townsend moved to recon-

sider the vote by which the Free Conference Committee report was adopted and lay that motion on the table.

The motion to table prevailed.

#### MESSAGE FROM THE GOVERNOR.

Executive Office,  
State of Texas,

Austin, Texas, Feb. 27, 1911.

To the Senate:

I ask the advice and consent of the Senate to the following appointments:

To be Regent of the University of Texas: Jos. B. Dibrell, of Gaudalupe county, vice Geo. W. Brackenridge, declined.

On account of errors in the spelling of names, and in the initials, I ask the advice and consent of the Senate for the reconfirmation of the following persons:

To be members of the State Board of Pharmacy: W. F. Robertson, of Gonzales county, and H. V. Schumann, of Comal county.

To be members of the Board of Nurse Examiners: Miss Maud Mueller of Bexar county, and Miss Lucy Brunson, of Bell county.

To be a member of the State Mining Board: William Wimberley, of Wise county.

Respectfully submitted,

O. B. COLQUITT,  
Governor.

#### EXECUTIVE SESSION—TIME SET FOR.

On motion of Senator Weinert, tomorrow morning at 11:30 o'clock was designated as the time for the Senate to sit in executive session to consider the above appointments.

#### MESSAGE FROM THE GOVERNOR.

Executive Office,  
State of Texas,

Austin, Texas, Feb. 27, 1911.

To the Senate. I acknowledge receipt of your resolution by the hands of the Secretary of the Senate, asking that I return Senate Bill No. 163, in order that certain corrections might be made.

I take pleasure in complying with your request, and Senate Bill No. 163 is handed you herewith.

Yours truly,  
O. B. COLQUITT,  
Governor.

**SENATE BILL NO. 33—MADE  
SPECIAL ORDER.**

On motion of Senator Hudspeth, the pending order of business (Senate Bill No. 165) was suspended, and the Senate took up, out of its order, Senate Bill No. 33, by unanimous consent.

The Chair laid before the Senate on second reading,

Senate Bill No. 33, A bill to be entitled "An Act to provide for prospecting for mineral on land owned by the State of Texas, or the public free school fund and on such land as the State has heretofore or may heretofore sell with the reservation of the mineral therein; also to provide for the prospect and sale of mineral bearing land, including the mineral and the sale of the minerals in such land as has heretofore or may hereafter be sold with the reservation of minerals therein; providing penalties for the violation of this Act, and repealing Chapter 71, Revised Civil Statutes of 1895, and Chapter 99, passed at the Regular Session of the Twenty-ninth Legislature, approved April 15, 1905, and declaring an emergency."

On motion of Senator Hudspeth, the above bill was made a special order for tomorrow at 3 o'clock p. m., or after the consideration of Senate Bill No. 71.

**SENATE BILL NO. 221.**

On motion of Senator Weinert, the pending order of business (Senate Bill No. 173) was suspended, and the Senate took up, out of its order, Senate bill No. 221, by unanimous consent.

The Chair laid before the Senate on second reading,

Senate Bill No. 221, A bill to be entitled "An Act authorizing and directing the Governor of the State of Texas to convey to the Texas District of the German Evangelical Synod of North America about three acres of land out of original survey 25 in the name of Anselmo Galvan, about five miles south of the city of San Antonio, in Bexar county, Texas; also about nine 6-10 acres of land out of survey 36 in the name of William Small, about five miles south of the city of San Antonio in Bexar county, Texas, said conveyance of land to be made upon the condition

that the grantee and its assigns shall for all time use the above described property as an asylum, institution or home for the care of widows, orphans and old people, and for the erection of schools, colleges or hospitals, and upon the further condition that this property is never to be given as security for a debt, and shall never be taken for a debt, and that if grantee or its assigns should fail to so use said property, fee simple title thereto shall revert to the State of Texas."

The bill was read second time and ordered engrossed.

**SENATE BILL NO. 196.**

On motion of Senator Real, the pending order of business (Senate Bill No. 165) was suspended, and the Senate took up, out of its order, Senate Bill No. 196, by unanimous consent.

The Chair laid before the Senate, on second reading,

Senate Bill No. 196, A bill to be entitled "An Act to amend the Revised Civil Statutes of the State of Texas, adopted by the Regular Session of the Twenty-fourth Legislature, Title 58, Chapter 1, Article 3033, providing the minimum par value of shares of stock in fire insurance companies shall not be less than ten dollars per share."

The committee report, with (committee) amendments, was adopted.

Senator Lattimore offered the following amendment, which was read and adopted:

Amend bill by making the committee amendment come after word "companies" in line 8 of page 1, printed bill.

The bill was read second time and ordered engrossed.

**SENATE BILL NO. 150.**

On motion of Senator Lattimore, the pending order of business (Senate Bill No. 165) was suspended, and the Senate took up, out of its order, Senate Bill No. 150, by unanimous consent.

The Chair laid before the Senate on third reading,

Senate Bill No. 150, A bill to be entitled "An Act to amend Section 1 of an Act passed by the Regular Session of the Thirtieth Legislature, relating to the selection of juries in counties with cities of certain population."

The bill was read third time and passed by the following vote:

## Yeas—25.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Ratliff.
Carter.	Real.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Hudspeth.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
McNealus.	Weinert.
Meachum.	Willacy.
Murray.	

## Absent.

Greer.	Perkins.
Hume.	Terrell, McLennan.
Mayfield.	Watson.

Senator Lattimore moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 377.

On motion of Senator Kauffman, the pending order of business (Senate Bill No. 165) was suspended, and the Senate took up, out of its order, House Bill No. 377, by unanimous consent.

The Chair laid before the Senate on second reading,

House Bill No. 377, A bill to be entitled "An Act to ratify and confirm an ordinance passed by the Board of City Commissioners of the City of Galveston, on the 19th day of January, 1911, vacating that portion of Eighth street between Avenue A and B in the City of Galveston, to be used for hospital purposes as a part of the John Sealy Hospital, and closing that portion of Eighth street as a public street, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Kauffman, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—24.

Adams.	Meachum.
Astin.	Murray.
Bryan.	Paulus.
Carter.	Peeler.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Greer.	Townsend.
Hudspeth.	Vaughan.
Johnson.	Ward.
Kauffman.	Warren.
Lattimore.	Weinert.
McNealus.	Willacy.

## Absent.

Hume.	Real.
Mayfield.	Terrell, McLennan
Perkins.	Watson.
Ratliff.	

The bill was read third time and passed by the following vote:

## Yeas—23.

Adams.	Meachum.
Astin.	Murray.
Bryan.	Peeler.
Carter.	Sturgeon.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Greer.	Vaughan.
Hudspeth.	Ward.
Johnson.	Warren.
Kauffman.	Weinert.
Lattimore.	Willacy.
McNealus.	

## Absent.

Hume.	Ratliff.
Mayfield.	Real.
Paulus.	Terrell, McLennan.
Perkins.	Watson.

Senator Kaffman moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 81.

On motion of Senator Sturgeon, the pending order of business (Senate Bill No. 165) was suspended, and the Senate took up, out of its order, Senate Bill No. 81, by unanimous consent.

The Chair laid before the Senate on third reading,

Senate Bill No. 81, A bill to be entitled "An Act providing for the

appointment of additional judges, clerks and supervisors for elections at which a constitutional amendment or any question or proposition is voted upon; and providing that the vote of any county, city or other political subdivision of voting precinct of any county wherein this Act is not complied with shall not be counted as to or in the determination of the adoption or rejection of such constitutional amendment, question or proposition, and declaring an emergency."

The bill was read third time, and passed by the following vote:

Yeas—15.

Bryan.	Real.
Carter.	Sturgeon.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Greer.	Vaughan.
Johnson.	Ward.
Lattimore.	Warren.
McNealus.	

Nays—12.

Adams.	Murray.
Astin.	Paulus.
Hudspeth.	Peeler.
Hume.	Watson.
Kauffman.	Weinert.
Meachum.	Willacy.

Absent.

Mayfield.	Ratliff.
Perkins.	Terrell, McLennan.

Senator Sturgeon moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

RECESS.

On motion of Senator Sturgeon, the Senate, at 6 o'clock p. m., recessed until 8:30 o'clock tonight.

AFTER RECESS.

(Night Session.)

The Senate was called to order by President Pro Tem. Hudspeth.

SENATE BILL NO. 187.

(District No. 6.)

The Chair laid before the Senate, on second reading and pending business for this hour,

Senate Bill No. 187, A bill to be entitled "An Act to amend Chapter 42 of the Acts of the Thirtieth Legislature, by adding thereto Section 2a, and declaring an emergency."

The Committee report with (committee) amendments, was adopted.

The bill having been read,

Senator Meachum offered the following amendment:

Amend the bill, line 17, page 1, by adding after the word "State" the words "and the members of the Railroad Commission of Texas and their engineer."

WATSON,  
MEACHUM.

Senator Murray offered the following amendment to the amendment:

Amend the amendment by adding "Game, Fish and Oyster Commissioner."

The amendment to the amendment was adopted.

The amendment, as amended, was adopted.

Senator Astin offered the following amendment:

Amend line 19, page 1, after "police" the following: "United States Marshal and two deputies."

Senator McNealus moved to table the amendment, which motion to table was adopted.

Senator Cofer offered the following amendment:

Amend the bill by adding at the end of Section 2a, after the word "commissioners," in line 23, the following:

"Nor shall any of the provisions of said Acts permit any person, who is permitted to ride without payment of fare upon any railroad, street car or interurban, from being appointed to and holding the office of notary public."

COFER,  
VAUGHAN,  
CARTER,  
PAULUS.

Senator Meachum offered the following amendment to the amendment:

Amend the amendment, by adding the words "or school trustee."

Senator Greer offered the following substitute for the amendment and the amendment to the amendment:

Amend the bill as amended, by adding at the end of Section 2a, "and all other persons."

Senator Watson made the point of order on the substitute that it was not germane to the bill.

The Chair sustained the point of order.

(Senator Real in the Chair.)

The amendment to the amendment was adopted.

The amendment, as amended, was adopted.

Senator Vaughan offered the following amendment, which was read and adopted.

Amend the bill as amended by adding after the amendment offered by the Senators from Cooke, Bowie and Shelby the following:

"Provided that any notary public having or using any such pass or free transportation or frank, shall not be qualified to take any deposition in any cause to which any such company or corporation may be a party or to do any official act that may affect any transaction in which any such corporation or company may be interested."

Senator Watson offered the following amendment:

Amend the bill as amended by adding after the word "engineers" the words "bona fide employes of the Railroad Commission."

The amendment was read and lost by the following vote:

#### Yeas—12.

Adams.	Meachum.
Bryan.	Murray.
Carter.	Peeler.
Hudspeth.	Real.
Hume.	Ward.
Kauffman.	Watson.

#### Nays—13.

Astin.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
McNealus.	Warren.
Paulus.	

#### Absent.

Lattimore.	Terrell, McLennan.
Mayfield.	Weinert.
Perkins.	Willacy.

Senator Townsend offered the following amendment:

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Amend the bill by striking out the words "and pilot commissioners," on page 1, line 23.

On motion of Senator McNealus the above amendment was tabled.

Senator Astin offered the following amendment:

Amend line 19, page 1, after the word "State," the following, "All members of the county commissioners court and the judges thereof."

Senator Cofer moved the previous question on the amendment and engrossment of the bill, which motion being duly seconded, was ordered by the following vote:

#### Yeas—15.

Adams.	Peeler.
Cofer.	Ratliff.
Collins.	Real.
Hudspeth.	Sturgeon.
Kauffman.	Townsend.
McNealus.	Vaughan.
Meachum.	Ward.
Paulus.	

#### Nays—10.

Astin.	Johnson.
Bryan.	Murray.
Carter.	Terrell, Wise.
Greer.	Warren.
Hume.	Watson.

#### Absent.

Lattimore.	Terrell, McLennan.
Mayfield.	Weinert.
Perkins.	Willacy.

The amendment by Senator Astin was lost by the following vote:

#### Yeas—4.

Astin.	Murray.
Hume.	Watson.

#### Nays—20.

Adams.	Paulus.
Carter.	Peeler.
Cofer.	Ratliff.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
McNealus.	Ward.
Meachum.	Warren.

#### Absent.

Bryan.	Lattimore.
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Mayfield.           Weinert.  
Perkins.           Willacy.  
Terrell, McLennan.

Bill read second time, and ordered engrossed.

Senator McNealus moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill be put on its third reading and final passage.

The motion was lost by the following vote, a four-fifths vote being necessary:

Yeas—16.

Adams.	Murray.
Carter.	Paulus.
Cofer.	Peeler.
Collins.	Ratliff.
Hudspeth.	Real.
Kauffman.	Ward.
McNealus.	Warren.
Meachum.	Watson.

Nays—8.

Astin.	Sturgeon.
Greer.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.

Absent.

Bryan.	Terrell, McLennan.
Lattimore.	Weinert.
Mayfield.	Willacy.
Perkins.	

(President Pro Tem. Hudspeth in the chair.)

#### SENATE JOINT RESOLUTION NO. 7.

(District No. 7.)

On motion of Senator Greer the pending order of business (Senate Bill No 165) was suspended, and the Senate took up, out of its order, Senate Joint Resolution No 7, by unanimous consent.

The Chair laid before the Senate on second reading,

Senate Joint Resolution No. 7, proposing an amendment to Article 4, Sections 2, 4, 22 and 23; to Article 5, Sections 9, 15, 20, 21 and 23; to Article 8, Sections 14 and 16, and to Article 16, Sections 30 and 44, of the Constitution of the State of Texas, providing for a four years' term of office for certain State and county of-

ficers; fixing the time for the election, directing a proclamation therefor, and making an appropriation to defray the expenses of such election.

The resolution having been read, Senator Warren offered the following amendment, which was read and adopted:

Amend the caption by inserting in line 7 after the comma following the figure "15" the figure "18."

Senator Warren offered the following amendment, which was read and adopted:

Amend Senate Joint Resolution No. 7, page 3, by adding at the end of Section 15 the following:

Section 18. Each organized county in the State, now or hereafter existing, shall be divided from time to time, for the convenience of the people, into precincts, not less than four and not more than eight. The present county courts shall make the first division. Subsequent divisions shall be made by the commissioners' court provided for by this Constitution. In each such precinct there shall be elected, at each biennial election, one justice of the peace and one constable, each of whom shall hold his office for four years and until his successor shall be elected and qualified, and no person holding the office of justice of the peace or constable shall be eligible for re-election; provided, that in any precinct in which there may be a city of eight thousand or more inhabitants, there shall be elected two justices of the peace. Each county shall in like manner be divided into four commissioners' precincts, in each of which there shall be elected by the qualified voters thereof one county commissioner, who shall hold his office for four years and until his successor shall be elected and qualified. The county commissioners so chosen, with the county judge as presiding officer, shall compose the county commissioners' court, which shall exercise such powers and jurisdiction over all county business as is conferred by this Constitution and the laws of the State, or as may be hereafter prescribed. No person holding the office of commissioner shall be eligible for re-election.

Senator Watson offered the following amendment:

Amend the bill, page 3, by striking out of lines 1 and 2, after the word "election."

The amendment was read and adopted.

Senator Meachum offered the following amendment:

Amend the resolution by striking out Section 9, page 2; Sections 15, 20, 21, page 3, and part of page 4, Sections 23, 14, 16, 30, page 4 and part of 5, and Section 55 on page 5.

Senator Weinert moved that the Senate adjourn until 10 o'clock tomorrow morning, but the motion was lost.

Senator Meachum moved the previous question on the amendment, which motion being duly seconded, was so ordered.

The amendment was lost by the following vote:

Yeas—11.

Adams.	Murray.
Astin.	Peeler.
Cofer.	Real.
Hudspeth.	Watson.
Kauffman.	Weinert.
Meachum.	

Nays—12.

Collins.	Sturgeon.
Greer.	Terrell, Wise.
Johnson.	Townsend.
Lattimore.	Vaughan.
McNealus.	Ward.
Ratliff.	Warren.

Present—Not Voting.

Carter.	Paulus.
Hume.	

Absent.

Bryan.	Terrell, McLennan.
Mayfield.	Willacy.
Perkins.	

Senator Watson offered the following amendment:

Amend the bill by striking out the enacting clause.

Senator Watson moved the previous question on the amendment and the resolution, which being duly seconded, was so ordered.

The amendment was adopted by the following vote:

Yeas—18.

Adams.	Cofer.
Astin.	Collins.

Hudspeth.
Hume.
Johnson.
Kauffman.
Meachum.
Murray.
Paulus.

Peeler.
Ratliff.
Real.
Vaughan.
Ward.
Watson.
Weinert.

Nay—8.

Carter.
Greer.
Lattimore.
McNealus.

Sturgeon.
Terrell, Wise.
Townsend.
Warren.

Absent.

Bryan.
Mayfield.
Perkins.

Terrell, McLennan.
Willacy.

REFUSE TO ADJOURN.

Senator Hume moved that the Senate adjourn until 10 o'clock tomorrow morning.

The motion was lost by the following vote:

Yeas—10.

Astin.	Townsend.
Hudspeth.	Vaughan.
Hume.	Ward.
Peeler.	Warren.
Real.	Weinert.

Nays—14.

Adams.	Lattimore.
Carter.	McNealus.
Cofer.	Meachum.
Collins.	Ratliff.
Greer.	Sturgeon.
Johnson.	Terrell, Wise.
Kauffman.	Watson.

Absent.

Bryan.	Perkins.
Mayfield.	Terrell, McLennan.
Murray.	Willacy.
Paulus.	

Senator Lattimore asked unanimous consent to take up a bill, but there was objection.

REFUSE TO ADJOURN.

Senator Carter moved that the Senate adjourn until 10 o'clock tomorrow morning.

The motion was lost by the following vote, the vote being a tie:

## Yeas—10.

Adams.	Real.
Astin.	Sturgeon.
Carter.	Townsend.
Collins.	Ward.
Peeler.	Weinert.

## Nays—10.

Greer.	McNealus.
Hudspeth.	Meachum.
Johnson.	Vaughan.
Kauffman.	Warren.
Lattimore.	Watson.

## Absent.

Bryan.	Perkins.
Cofer.	Ratliff.
Hume.	Terrell, McLennan.
Mayfield.	Terrell, Wise.
Murray.	Willacy.
Paulus.	

Senator Watson moved a call of the Senate for the purpose of securing a quorum. The motion was duly seconded.

The chair directed the roll called, the following Senators being present:

## Present—20.

Adams.	Meachum.
Astin.	Peeler.
Carter.	Real.
Collins.	Sturgeon.
Greer.	Townsend.
Hudspeth.	Vaughan.
Johnson.	Ward.
Kauffman.	Warren.
Lattimore.	Watson.
McNealus.	Weinert.

## Absent.

Bryan.	Perkins.
Cofer.	Ratliff.
Hume.	Terrell, McLennan.
Mayfield.	Terrell, Wise.
Murray.	Willacy.
Paulus.	

The Sergeant-at-Arms was instructed to bring in the absentees.

Senator Peeler moved to excuse the absentees, the motion was lost by the following vote, it requiring a two-thirds vote to excuse the absentees:

## Yeas—11.

Astin.	Collins.
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Greer.	Townsend.
Lattimore.	Vaughan.
Peeler.	Warren.
Real.	Weinert.
Sturgeon.	

## Nays—9.

Adams.	McNealus.
Carter.	Meachum.
Hudspeth.	Ward.
Johnson.	Watson.
Kauffman.	

## Absent.

Bryan.	Perkins.
Cofer.	Ratliff.
Hume.	Terrell, McLennan.
Mayfield.	Terrell, Wise.
Murray.	Willacy.
Paulus.	

## REFUSE TO ADJOURN.

Pending delay Senator Vaughan, at 11:30 o'clock, p. m. moved that the Senate adjourn until 10 o'clock tomorrow morning.

The motion was lost by the following vote:

## Yeas—9.

Adams.	Townsend.
Astin.	Vaughan.
Collins.	Warren.
Lattimore.	Weinert.
Peeler.	

## Nays—11.

Carter.	Meachum.
Greer.	Real.
Hudspeth.	Sturgeon.
Johnson.	Ward.
Kauffman.	Watson.
McNealus.	

## Absent.

Brayn.	Perkins.
Cofer.	Ratliff.
Hume.	Terrell, McLennan.
Mayfield.	Terrell, Wise.
Murray.	Willacy.
Paulus.	

Senator Lattimore moved to excuse the absentees.

Senator Carter moved to table the motion.

The motion to table was lost by the following vote:

## Yeas—10.

Carter.	McNealus.
Greer.	Meachum.
Hudspeth.	Real.
Johnson.	Sturgeon.
Kauffman.	Watson.

## Nays—10.

Adams.	Townsend.
Astin.	Vaughan.
Collins.	Ward.
Lattimore.	Warren.
Peeler.	Weinert.

## Absent.

Bryan.	Perkins.
Cofer.	Ratliff.
Hume.	Terrell, McLennan.
Mayfield.	Terrell, Wise.
Murray.	Willacy.
Paulus.	

The motion to excuse the absentees was lost by the following vote:

## Yeas—6.

Astin.	Townsend.
Lattimore.	Vaughan.
Sturgeon.	Warren.

## Nays—13.

Adams.	McNealus.
Carter.	Meachum.
Collins.	Real.
Greer.	Ward.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	

## Present—Not Voting.

Peeler.

## Absent.

Bryan.	Perkins.
Cofer.	Ratliff.
Hume.	Terrell, McLennan.
Mayfield.	Terrell, Wise.
Murray.	Willacy.
Paulus.	

## BILL ON FIRST READING.

By unanimous consent and referred by President Pro Tem. Hudspeth.

By Senator Kauffman:

Senate bill No. 325, A Bill to be entitled An Act to amend Section 1 Chapter 132 of the Acts of the Twenty-nine Legislature, as amended by Chapter 11, Acts of the Thirty-first Legislature, so as to permit owner of lands or lots sold to the State or the city or town for taxes to redeem the same, with an emergency.

Read first time and referred to Committee on Public Lands and Land Office.

## ADJOURNMENT.

On motion of Senator Vaughan the Senate at 11:55 o'clock p. m. adjourned until 10 o'clock tomorrow morning.

## APPENDIX.

## COMMITTEE REPORTS.

## Committee Room.

Austin, Texas, Feb. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred House Bill No. 98, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed, but be printed in the Journal.

KAUFFMAN, Chairman.

That part of the report providing that the bill be printed in the Journal was adopted. Following is the bill in full:

House Bill No. 98, A bill to be entitled "An Act to prohibit any corporation, individual, partnership, contractor, superintendent, foreman, engineer or other person having the supervision of any work being by or for the State of Texas, or any subdivision thereof, or any municipality therein, from requiring any person, other than persons employed as watchmen engaged in such work to remain on duty more than eight hours in any consecutive twenty-four hours, except in certain cases of emergency, and excepting further, those engaged in the performance of some official duty, State and county convicts and providing a penalty for the violation of the law." Be it enacted by the Legislature of the State of Texas:

Section 1. That it shall be unlaw-

ful for any corporation, individual, partnership, contractor, superintendent, foreman, engineer or other person having the direction, supervision, charge, care, management or control of any public works undertaken by or for account, or on behalf and benefit of the State of Texas, or any subdivision thereof, or any municipal corporation within this State to require any person other than persons employed as watchmen engaged in, on or about such public works to work or remain on duty more than eight (8) hours in each consecutive twenty-four hours, except in case of necessity for safety of life and property occasioned by act of God or other causes beyond the control of persons in charge of such public works, provided nothing in this Act shall apply to State and county convicts while serving out their term of service in obedience to law. And excepting further, that this Act shall not apply to those employed in the performance of any duty of any office created by the Constitution and laws of the State of Texas, or by the charter of any city or municipality in said State, nor shall it apply to work done on the public road of any county where said work is not done by contract.

Sec. 2. That any corporation, individual, partnership, contractor, superintendent, foreman, engineer or other person having the charge, care, management or control of any public work who shall violate the provisions of this Act shall be liable to a penalty not exceeding five hundred (\$500) dollars for each and every violation thereof, and each day any employe is required to work more than eight hours in any one consecutive twenty-four hours shall constitute a separate offense, and the penalty for the violation of the provisions of this Act shall be recovered, and suit therefor shall be brought in the name of the State of Texas, in the county in which the work is being performed by either the Attorney General of the State of Texas, or by the district or county attorney of the county in which said work is being done.

Engrossed rider to House Bill No. 98.

Amend House Bill No. 98 by inserting after the word "duty," line 13 of the caption, the following words, "and those doing work on public roads not under contract."

Committee Room,

Austin, Texas, Feb. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 507, A bill to be entitled "An Act to create a more efficient road system for Brazos county, Texas, and making county commissioners of said county ex officio road commissioners, and prescribing their duties as such, and providing for the appointment of deputy road commissioners, and defining the powers and duties of such county commissioners, and providing for the appointment of road overseers, and defining their duties, and for the working of county convicts upon the public roads of said county; and providing for officers' fees and rewards for the capture of escaped convicts, and to provide for the manner of training hedges along any public road, and to provide for the summoning of teams for road work, and for an allowance of time of road service for same and fixing a penalty for a violation of this Act, and repealing all laws in conflict with this Act."

Beg leave to report same back to the Senate with recommendation that it do pass and be not printed.

Greer, Chairman; Ratliff, Johnson, Paulus.

(Floor Report.)

Austin, Texas, Feb. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 316, A bill to be entitled "An Act to amend Article 4785a of Chapter 6, of Title 97 of the Revised Civil Statutes of 1895, of the State of Texas, so as to take the county of Goliad out of the counties which are exempted by this Article from the provisions of said Chapter, which chapter provides for the appointment of road superintendents, so as to bring Goliad county under the provisions of said chapter."

Beg leave to report that we have had same under consideration, and recommend that it do pass, and be not printed.

Greer, Chairman; Ratliff, Johnson, Paulus.

Committee Room,

Austin, Texas, Feb. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 313, A bill to be entitled "An Act to amend Section 10, of Chapter 79, of the General Laws passed by the Twenty-seventh Legislature, which said chapter was also amended by the Acts of the Thirty-first Legislature of 1909, creating more efficient road system for Brown county, Texas, and making the county commissioners of said county ex officio road commissioners and prescribing their duties as such, and providing for their compensation as such road commissioners."

Beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

Greer, Chairman; Paulus, Ratliff, Kauffman, Johnson.

(Floor Report.)

Austin, Texas, Feb. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

Senate bill No. 295, A bill to be entitled "An Act creating the Pleasant Grove Independent School District in Wood county, Texas, and defining its boundaries, providing for the election of a board of trustees to manage and control the public free school within said district, naming fiscal year as to taxes, investing said district with all the powers, rights and duties of independent school districts formed for free school purposes only, and declaring an emergency."

Beg leave to report that we have had same under consideration, and recommend that it do pass, and be not printed.

Paulus, Collins, Astin, Ratliff, Rea, Hume.

Committee Room.

Austin, Texas, Feb. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

Senate Bill No. 317, A bill to be enacted "An Act to provide for the adoption of a system of uniform text books in this State, and the appointment of a Text Book Board for such purpose; to authorize the readoption of text books now in use, and the selection and adoption of other books, and for the appointment of boards in the future to keep the books adopted revised and up to date; to prohibit lobbying before the Text Book Board by legal or special representatives of the authors or publishers; to prescribe rules and regulations for the board in entering into contracts on behalf of the State; to prescribe penalties for violation of the provisions of this Act; to make an appropriation to carry into effect the provisions hereof, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with recommendation that it do pass.

PERKINS, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House Bill No. 146, A bill to be entitled "An Act to establish the Abilene State Normal College; providing that the State Board of Education shall control the same; providing for a local board resident in Abilene or Taylor county, Texas; fixing the time for the opening of the said Normal College; making an appropriation for the establishment of said college; making an appropriation to pay the salary of the president of the said Normal College for the year ending August 13, 1912, and to pay the salaries of the president and others employed in or by said college during the year beginning September 1, 1912, providing for the manner in which students shall be appointed to said Normal College; providing for a meeting of the State Board of Education for the purpose of establishing departments in said Normal College."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

PAULUS, Acting Chairman.

## (Minority Report.)

## Committee Room.

Austin, Texas, Feb. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Educational Affairs, to whom was referred

House Bill No. 146, A bill to be entitled, "An Act to establish the Abilene State Normal College; providing that the State Board of Education shall control the same; providing for a local board, resident in Abilene or Taylor county, Texas; fixing the time for the opening of the said Normal College; making an appropriation for the establishment of the said college; making an appropriation to pay the salary of the president of the said Normal College for the year ending August 31, 1912, and to pay the salaries of the president and others employed in or by said college during the year beginning September 1, 1912; providing for the manner in which students shall be appointed to said Normal College; providing for a meeting of the State Board of Education for the purpose of establishing departments in said Normal College."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do not pass.

Astin, Hume.

## Committee Room,

Austin, Texas, Feb. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred,

Senate bill No. 262, A bill to be entitled "An Act to establish and maintain an agricultural and industrial college of the secondary grade and locate same at Greenville, providing for the appointment of a board of trustees to manager and control the same, and make all appropriations therefor."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

PAULUS, Acting Chairman.

## Committee Room,

Austin, Texas, Feb. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred,

Senate bill No. 319, A bill to be entitled "An Act creating the Tell Independent School District in Childress and Hall counties, Texas, defining its metes and bounds; providing for a board of trustees therefor; vesting it with the rights and duties of districts incorporated for school purposes only under the General Laws, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

PAULUS, Acting Chairman.

## Committee Room,

Austin, Texas, Feb. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred,

Senate bill No. 314, A bill to be entitled "An Act to amend Article 3852, Chapter 2 of Title 86 of the Revised Statutes, so as to provide that all expenditures of the Board of Regents of the University of Texas may be made by order of the said Board of Regents, to be paid on warrants from the Comptroller on vouchers approved by the chairman of said board or by some other officers of the University of Texas designated by him in writing to the Comptroller, and to be countersigned by the Secretary of said Board or some other officer or officers of the University designated by said Secretary in writing to the Comptroller, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

PAULUS, Acting Chairman.

## (Floor Report.)

Austin, Texas, Feb. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Stock and Stock Raising, to whom was referred,

Senate Bill No. 312, A bill to be entitled "An Act to amend Section 4 of Chapter 86 of the Acts of the Twenty-eighth Legislature, relating to wolves and other wild animals, and providing for the destruction thereof, as amended by the Thirty-first Legislature; taking Bosque county from under the provisions of

this law, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

Adams, Chairman; Kauffman, Willacy, Lattimore, Johnson, Hudspeth, Bryan, Murray, Mayfield.

(Floor Report.)

Austin, Texas, Feb. 26, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Stock and Stock Raising, to whom was referred

House Bill No. 311, A bill to be entitled "An Act to include the counties of Brazoria and Matagorda under the provisions of Articles 5002 to 5042, inclusive, of the Revised Civil Statutes of the State of Texas, and providing for the appointment of an inspector until the next general election, and declaring an emergency."

Have had the same under consideration, and I am instructed by the committee to report it back to the Senate with the recommendation that it do pass.

Adams, Chairman; Hudspeth, Johnson, Bryan, Willacy, Kauffman, Lattimore, Murray.

(Floor Report.)

Austin, Texas, Feb. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred,

Senate Bill No. 38, "An Act to create the Seventy-first Judicial District of the State of Texas; to fix the time of holding the terms of the district court in the counties composing said district; to provide for the appointment of a judge and district attorney in said district; to make all process issued or served before this Act goes into effect, including recognizances and bonds, returnable to the terms of the district court as herein fixed; to attach the unorganized counties of Cochran and Hockley to Lubbock county for judicial and all other purposes; to repeal all laws and parts of laws in conflict with this Act, and provides for an emergency."

Beg leave to report that we have had same under consideration, and recommend that it do pass, and be not printed.

Hudspeth, Chairman; Murray, Paulus, Kauffman, McNealus, Carter, Peeler, Hume, Meachum, Hudspeth, Watson.

(Floor Report.)

Austin, Texas, Feb. 26, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

House Bill No. 381, A bill to be entitled "An Act to amend Section 1 of Chapter 3 of an Act passed at the First Called Session of the Twenty-second Legislature, entitled 'An Act to organize and establish the Twenty-first Judicial District, to fix the time of holding courts therein, and to repeal all laws and parts of laws in conflict therewith, and to change the time of holding the terms of the district court of Bastrop county and conform the issuance, service and return of process from said court to such change, and to repeal all laws and parts of laws in conflict herewith.'"

Have had the same under consideration, and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Hudspeth, Chairman; Watson, Hume, McNealus, Carter, Murray, Paulus, Peeler, Weinert, Kauffman.

(Floor Report.)

Austin, Texas, Feb. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred,

House Bill No. 402, A bill to be entitled "An Act to amend an Act of the Twenty-eighth Legislature of the State of Texas, entitled 'An Act to incorporate the City of Corsicana, in Navarro county, Texas, and to fix the boundaries therefor, and to provide for its government and management of its affairs, as amended by Chapter 39 of the Special Laws of the Thirtieth Legislature of the State of Texas, and by Chapter 22 of the Special Laws of the Thirty-first Leg-



islature of the State of Texas, by amending Section 28 thereof so that the City Marshal should receive such salary as the council may fix not to exceed \$100 per month, and each policeman shall receive such salary as the council shall fix, not to exceed \$75 per month, and by amending Section 185 so as to provide that the city may purchase and improve and maintain parks, hospitals and sanitariums and raise funds and appropriate same therefor, and by amending Sections 194, 195 and 196 so as to provide for a maximum tax levy for any year of \$1.80 on the \$100 valuation of property subject to taxation, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Meachum, Chairman; Lattimore, Hume, Vaughan, Kauffman, Collins, Terrell of McLennan, McNealus, Peeler, Perkins, Hudspeth.

Committee Room,

Austin, Texas, Feb. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Judiciary No. 1, to whom was referred, Senate Bill No. 294, A bill to be entitled "An Act to amend Chapter 4 of Title 45 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Twenty-fourth Legislature, by amending Article 2475 (2411) so that stationery, etc., shall be furnished to the county tax collectors and to the tax assessors, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WARD, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Judiciary No. 2, to whom was referred, Senate Bill No. 296, A bill to be entitled "An Act to amend Section 9 of Chapter 144 of the Acts of the Regular Session of the Thirtieth Legislature, the same being 'An Act to preserve and protect the wild game, wild birds, and wild fawn of the

State, to provide adequate penalties for the violation of this Act and the unlawful taking, slaughter, sale, purchase or shipment thereof."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WATSON, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Judiciary No. 2, to whom was referred, Senate Bill No. 315, A bill to be entitled "An Act for the prevention of cruelty to animals; for the prevention of impounding same without food or water; prohibiting fighting of animals or fowls; prescribing penalties; providing that agents and officers of the State Humane Society may make arrests, and may take charge of neglected, abandoned or cruelly treated animals, and destroy same under certain circumstances; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WATSON, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Judiciary No. 2, to whom was referred, Senate Bill No. 195, A bill to be entitled "An Act to provide Day and Weekly Rest, and to provide penalties for violation thereof, and to repeal Articles 196, 197, 198, 199 and 200 of the Penal Code and all other laws in conflict herewith."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WATSON, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Judiciary No. 2, to whom was referred, Senate Bill No. 194, A bill to be entitled "An Act to amend Article 1098 (1066) of Chapter 3 of the Code of Criminal Procedure of the

Revised Statutes of 1895, referring to the pay of jail guard, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.  
WATSON, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1911.  
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared,

Senate Bill No. 268, A bill to be entitled "An Act to create a more efficient road system for Terrell county, Texas, and declaring an emergency."

And find the same correctly engrossed.

COFER, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1911.  
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared,

Senate Bill No. 123, A bill to be entitled "An Act to amend Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of Chapter 19 of the Acts of the Thirtieth Legislature of the State of Texas, regulating bail in criminal cases and relating to procedure in prosecutions for felonies and misdemeanors, and declaring an emergency."

And find the same correctly engrossed.

COFER, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1911.  
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared,

Senate Bill No. 276, A bill to be entitled "An Act to authorize and permit the territory situated within the town of Crosbyton in the said county of Crosby and State of Texas and other land and territory adjacent thereto, to incorporate as an independent school district, for free school purposes only, to be known as the Crosbyton Independent School District, with all the powers, rights and duties of independent school dis-

tricts formed by incorporations of towns and villages for free school purposes only, and declaring an emergency."

And find the same correctly engrossed.

COFER, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1911.  
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared,

Senate Bill No. 51, A bill to be entitled "An Act to amend Article 1552 of the Revised Civil Statutes of the State of Texas, relating to the time of holding the regular term of commissioners courts, so as to authorize said courts to meet once each month, and providing for an emergency."

And find the same correctly engrossed.

COFER, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1911.  
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared,

Senate Bill No. 245, A bill to be entitled "An Act to more clearly define who are Confederate soldiers under the pension laws of this State, and declaring what persons shall be included in the term 'Confederate soldiers,' as used in Chapter 118 of the General Laws of the Regular Session of the Thirty-first Legislature, and declaring an emergency."

And find the same correctly engrossed.

COFER, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1911.  
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared,

Senate Bill No. 150, A bill to be entitled "An Act to amend Section 1 of an Act passed by the Regular Session of the Thirtieth Legislature, relating to the selection of juries in counties with cities of certain population."

And find the same correctly engrossed.

COFER, Chairman.

## Committee Room.

Austin, Texas, Feb. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared:

Senate Bill No. 81, A bill to be entitled "An Act to provide means for securing fair elections and true returns thereof whenever an election is held at which any proposed amendment or amendments to the Constitution of this State shall be voted upon, to provide for the appointment of additional judges, clerks and supervisors for such elections, for the filing of reports of such supervisors, giving such additional judges, clerks and supervisors the power and authority now given by law to the regularly appointed election officers, and providing that the vote of any voting precinct of any county wherein the regularly appointed election officers shall have refused to comply with the provisions of this Act, shall not be counted as to or in the determination of the adoption or rejection of such constitutional amendment; providing for securing the making of true returns by the managers and officers of such election to the proper officers; providing penalties for the violations of this Act by any officer; and requiring the officers upon whom the duty is imposed by law of making returns of such election from any county to the Secretary of State to make true returns thereof, and providing penalties for a failure to do so on the part of any such officer, and providing a means whereby the result of any election upon the adoption or rejection of any such proposed amendment to the Constitution may be contested; giving the District Court of Travis county jurisdiction of such contest, and full authority to appoint commissioners to sit at such times and places as they may appoint, anywhere in the State, to hear testimony, reduce same to writing and return same to such court, and determine all questions necessary to the ascertainment of the true result of any such election in any precinct, and in any county, and in the State, and to compel the making of true returns of such elections by the officers of such elections to the proper authorities of the county and by the proper officers of the various counties to the Secretary of State, and to require the Secretary of State to canvass and

count the returns of such elections after such contest is determined, in accordance with the final determination of the result of such election as ascertained and determined by the court in such contest, providing penalties, and declaring an emergency."

And find the same correctly engrossed.

COFER, Chairman.

## Committee Room.

Austin, Texas, Feb. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared:

Senate Bill No. 199, A bill to be entitled "An Act to provide for the establishment, maintenance and government of a State normal school to be located in the city of Waco, in McLennan county, and to be known and designated as the Central Texas Normal School, and declaring an emergency."

And find the same correctly engrossed.

COFER, Chairman.

## Committee Room.

Austin, Texas, Feb. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared:

Senate Joint Resolution No. 9, to amend Section 51, of Article 5, of the Constitution of the State of Texas, so as to authorize the grant of aid to indigent and disabled Confederate soldiers and sailors and their widows, and to soldiers who served in the militia and in organizations for the protection of the frontier, and their indigent widows, and to grant aid for the establishment and maintenance of a home for the indigent and dependent wives and widows of Confederate soldiers and sailors, and such women as aided the Confederacy, and authorize a special ad valorem pension tax, and making appropriations for same.

And find the same correctly engrossed.

COFER, Chairman.

## Committee Room.

Austin, Texas, Feb. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed

Bills have carefully examined and compared:

Senate Bill No. 287, A bill to be entitled "An Act to adopt and establish a 'Penal Code' and a 'Code of Criminal Procedure' for the State of Texas."

And find the same correctly engrossed, in accordance with a Simple Resolution this day adopted by the Senate.

COFER, Chairman.

✓ Committee Room.

Austin, Texas, Feb. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir Your Committee on Engrossed Bills have carefully examined and compared:

Senate Bill No. 288, A bill to be entitled "An Act to adopt and establish the 'Revised Civil Statutes of the State of Texas,' and declaring an emergency."

And find the same correctly engrossed, in accordance with a Simple Resolution this day adopted by the Senate.

COFER, Chairman.

#### PETITIONS AND MEMORIALS.

By Senator Greer:

Petition numerously signed by citizens of Camp county, asking support of legislation authorizing consolidation between the St. Louis Southwestern Railway Company of Texas, the Eastern Texas Railroad Company and the Stephenville North and South Texas Railway Company, and that the bill be passed without amendments requiring further extension.

By Senator Murray:

Petition numerously signed by citizens of Goliad and Refugio counties, expressing approval of his favorable attitude toward the passage of Senate bill No. 230, known as the Harbor Island bill, and urging its passage.

#### THIRTY-THIRD DAY.

Senate Chamber.

Austin, Texas,

Tuesday, February 28, 1911.

The Senate met pursuant to adjournment and was called to order by Lieutenant Governor Davidson.

Roll call, quorum being present,

the following Senators answering to their names:

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.
Murray.	

Prayer by Rev. Dr. Bradfield of Austin.

Pending the reading of the Journal of yesterday, on motion of Senator Perkins, the same was dispensed with.

#### EXCUSED.

On account of sickness in family: Senator Mayfield for yesterday, on motion of Senator Cofer.

#### BILLS AND RESOLUTIONS.

By Senator Collins (by request):

Senate bill No. 326, A bill to be entitled "An Act to authorize the commissioners court of any county in Texas to cause to be made a topographical survey of all lands within the boundaries of any such county, and to compile a correct topographical map thereof, and place the same of record for public use in the establishment of drainage districts, valuation of lands and the assessment thereof, construction of public roads and bridges, and other public and private purposes, and to employ civil engineer or engineers and other employes to make such survey and maps, and to pay the expense of such surveys and maps and the record thereof out of the general fund of such county, and repealing all laws and parts of laws in conflict herewith."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Hudspeth:

Senate bill No. 327, A bill to be entitled "An Act to repeal Chapter 13, Acts of the Thirtieth Legislature, First Called Session, entitled 'An Act to